

TRIPURA GAZETTE

Published by Authority
EXTRAORDINARY ISSUE

Agartala, Monday, September 27, 2021 A. D., Asvina 5, 1943 S. E.

PART--IV-- Bills introduced in the Tripura Legislative Assembly : Report of Selection Committees presented or to be presented to the Assembly; and Bills published before introduction in that Assembly.

**TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
NEW CAPITAL COMPLEX
AGARTALA, TRIPURA, PIN-799010
[Fax : (0381) 241 4095/9654]**

No.F.7(12-18)-LA/2021.

Dated, Agartala the 24th September, 2021.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “**The Tripura Land Revenue and Land Reforms (Twelfth Amendment) Bill, 2021 (The Tripura Bill No. 13 of 2021)**” as introduced in the Assembly on the **24th September, 2021** to be published in the Tripura Gazette.”


29/9/21
(B.P. Karmakar)

Secretary
Tripura Legislative Assembly

THE TRIPURA LAND REVENUE AND LAND REFORMS
(TWELFTH AMENDMENT) BILL, 2021

A

BILL

To further amend the Tripura Land Revenue and Land Reforms Act, 1960.

BE it enacted by the Tripura Legislative Assembly in the Seventy-Second year of the Republic of India as follows:

1. Short title and commencement :

- (1) This Act may be called the Tripura Land Revenue and Land Reforms (Twelfth Amendment) Bill, 2021.
- (2) It shall come into force on the date of its publication in the official Gazette.

2. Amendment of Section 2:

In the Tripura Land Revenue and Land Reforms Act, 1960, hereinafter referred to as the Principal Act, in section 2,

- (1) For Sub-section [bb], the following Sub-Section shall be substituted namely:-

“[bb] ‘Bargadar’ means a person who under the system generally known as adhi, barga, bhag or any other term cultivates the land of a riyat for a continuous period of at least 10(ten) consecutive years, which is recognized by a revenue officer not below the rank of Collector on condition of paying therefore rent in cash or in kind or delivering a share of the produce.”

- (2) For Sub-section [V], the following Sub-Section shall be substituted namely :-

“[V] ‘under-raiyat’ means a person who cultivates or holds the land of a raiyat for a continuous period of at least 10 (ten) consecutive years, which is recognized by a revenue officer not below the rank of collector under an agreement, on condition of paying therefore rent in cash or in kind or delivering a share of the produce.”

3. Amendment of Section 46:

In section 46 of the Principal Act, after the existing provision, the following shall be inserted, namely:-

“Provided that, the provisions of this Sub-Section shall not apply to leases made under the provisions of the Tripura Agricultural Land Leasing Act, 2021”.

4. Amendment of Section 46. A:

In section 46A of the Principal Act, for Sub-Section (2), the Sub-Section shall be substituted, namely:-

“(2) A person lawfully recognized by a revenue officer not below the rank of collector for cultivating any land for a continuous period of at least 10 (ten) consecutive years, which is not under personal cultivation of the person to whom the land belongs, and of whose family the former is not a member, shall be presumed to be a Bargadar in respect of such land and land ancillary thereto subject to the provisions of section 187 and the burden of proving that such person is not a Bargadar or that the land is in his personal cultivation shall, notwithstanding anything to the contrary contained in any other law for the time being in force, lie on the person who alleges that the person cultivating the land is not a Bargadar in respect of such land.

Explanation.—The term ‘family’ in this sub-section shall have the same meaning as in Chapter XIII of the Act”.

STATEMENT OF OBJECTS AND REASONS

The Tripura Land Revenue and Land Reforms (Twelfth Amendment) Bill, 2021 (the Tripura Bill No- 13 of 2021) is to avoid some conflicts within the provision of the Tripura Land Revenue and Land Reforms Act, 1960 and the Tripura Agricultural Land Leasing Bill, 2021.

2. Whereas, there may be some conflicts within the provision of the Tripura Land Revenue & Land Reforms Act, 1960 and the said Bill. As per sub-section (j) of section 3 of the said Act “a lease agreement shall be entered into Record of Rights, as the leasing for any period whatsoever shall not create any occupancy or protected tenancy or right against lawful eviction or lease termination, under this Act” but in the Tripura Land Revenue & Land Reforms Act, 1960, has defined the similar scenarios as raiyat - under raiyat or raiyat - bargadar relationship. A situation may raise where to private person have entered into lessor-lessee relationship in terms of this new act, by virtue of an instrument which will be registered authenticated by revenue official and the lessee claims rights on the land of the lessor. Now, to avoid the legal complication in future the amendments in the relevant parts of the Tripura Land Revenue & Land Reforms Act, 1960 is required.

3. The proposed amendment in the Tripura Land Revenue and Land Reforms Act, 1960 is expedient in view of the proposed new enactment of the Tripura Agricultural Land Leasing Bill, 2021.

4. In view of the above, to provide the cultivators Agricultural land without affecting the right of the owner The Tripura Land Revenue and Land Reforms (Twelfth Amendment) Bill, 2021 is required.

5. The bill seeks to achieve the above objectives.

[Narendra Chandra Debbarma]
Minister-in-charge
Revenue Department
Government of Tripura

TECHNICAL REPORT

The subject matter of The Tripura Land Revenue and Land Reforms (Twelfth Amendment) Bill, 2021 is relatable to Entry 18 of the State List (List-II) of the Seventh Schedule of the Constitution of India, and therefore the State legislature is competent to make a law on the subject.

2. None of the provisions of this Bill is repugnant to any provision of existing central Act on the same subject or the Constitution of India.
3. The Bill does not attract the proviso to clause (b) of article 304 of the Constitution of India and therefore previous sanction of the President of India is not required for introducing or moving of the Bill in the State Legislature.
4. It is not a Money Bill within the meaning of Article 199 (1) of the constitution of India, nor it is a Financial Bill, as it will not involve any additional expenditure from the Consolidated Fund of the State, if enacted and brought into operation. Therefore, prior recommendation of the Governor under clause (1) or (3) of Article 207 of the Constitution of India, is not required for introduction, moving or consideration of the Bill in the House of the State Legislature.

[Biswajit Palit]
L.R & Secretary,
Law Department
Government of Tripura

Tripura Gazette, Extraordinary Issue, September 27, 2021 A. D.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into force, will not incur additional financial implication on the State's consolidated fund.

[Tanusree Deb Barma]
Secretary,
Revenue Department
Government of Tripura